

ORIGINAL

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

2019 OCT 21 PM 2:26
MARGARET BOTKINS, CLERK
CHEYENNE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUADALUPE HERNANDEZ JR,

Defendant.

CRIMINAL COMPLAINT

Case Number: 19-MJ-89-S

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

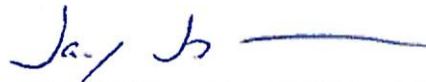
On or about August 27, 2019, in the District of Wyoming, the Defendant, **GUADALUPE HERNANDEZ JR**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely, a FNH USA pistol bearing serial number FX3U064918, and the firearm was in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives and that this complaint is based on the following facts:

(See attached Sworn Statement)

Continued on the attached sheet and made a part hereof.



Signature of Complainant
JAY S. JOHNSON

Sworn to before me and subscribed telephonically,

October 21, 2019
Date

at Cheyenne, Wyoming
City and State

HON. KELLY H. RANKIN
Chief Magistrate Judge
United States District Court
Name & Title of Judicial Officer



Signature of Judicial Officer

SWORN STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT
SPECIAL AGENT JAY S. JOHNSON
U.S. v. GUADALUPE HERNANDEZ JR.

1. Your Affiant, Jay S. Johnson, is a federal law enforcement officer and a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice. Your Affiant is currently assigned to the District of Wyoming and has been employed by ATF since March 12, 2000. Prior to that, your Affiant was employed as a Special Agent by the United States Air Force Office of Special Investigations, for eight years.

2. This affidavit is based upon information your Affiant has gained through training and experience, as well as upon information related to your Affiant by other individuals, including law enforcement officers. The information contained in this affidavit is submitted for the limited purpose of establishing probable cause for the requested criminal complaint and arrest warrant and does not contain all of the information known to the Affiant about this case. Your Affiant has reason to believe Guadalupe Hernandez Jr., a felon, possessed a firearm on August 27, 2019, in Park County, within the District of Wyoming. Guadalupe Hernandez Jr. having previously been convicted in the Fifth Judicial District Court in Big Horn County, Wyoming, of Third Degree Arson, a felony, sentenced on December 13, 2011, and Endangering Children – Controlled Substance, a felony, sentenced September 30, 2014.

3. On August 27, 2019, at approximately 0915 hours, Officer Blake Stinson, Cody Police Department, Park County, Wyoming, recognized a vehicle from previous law enforcement contacts and turned to follow it. Officer Stinson observed the left turn signal flash once before the vehicle entered the center lane and made a quick turn on to 17th Street. Officer Stinson activated his overhead lights and siren, stopping the vehicle on 17th Street near Circle Drive. Officer Stinson observed both the driver and front passenger lean and reach for the center floorboard between the

seats. Officer Stinson made contact with the vehicle occupants and identified R.D., the driver, Guadalupe Hernandez Jr. in the front passenger seat, and S.L., the registered vehicle owner, in the back seat. Officer Stinson knew from previous contacts that all three occupants had recent drug charges or convictions. At that point, Officer Stinson radioed dispatch, whereupon Guadalupe Hernandez Jr. ran on foot from the vehicle.

4. Officer Stinson pursued Guadalupe Hernandez Jr. through two yards before jumping a fence into a backyard. When Officer Stinson jumped the fence, he saw Guadalupe Hernandez Jr. pull a handgun from his waistband. As Guadalupe Hernandez Jr. jumped a second fence into the alley, Officer Stinson saw something fall. Officer Stinson jumped the fence and pointed his department issued firearm at Guadalupe Hernandez Jr. who dropped the gun and fell to the ground. Officer Stinson handcuffed Guadalupe Hernandez Jr. and placed him under arrest. Officer Stinson recovered the firearm, a FNH USA, Model FNX-45 Tactical, .45 ACP caliber pistol. Officer Stinson learned Guadalupe Hernandez Jr. had an active arrest warrant from Big Horn County, Wyoming, was a convicted felon, had an active protection order prohibiting him from possessing firearms and was on felony probation.

6. On September 19, 2019 your Affiant obtained Guadalupe Hernandez' Jr. two felony convictions from the Fifth Judicial District Court in Big Horn County, Wyoming. The first felony conviction was for Third Degree Arson, sentenced on December 13, 2011, to four to five years prison, and the second felony conviction was for Endangering Children – Controlled Substance, sentenced September 30, 2014, to three to five years prison.

7. On September 19, 2019, your Affiant obtained Guadalupe Hernandez' Jr. booking information from the Big Horn County Sheriff's Office corresponding to his arrests resulting in his two felony convictions. Guadalupe Hernandez' Jr. biographic information provided, matches

his Park County Sheriff's Office biographic information in his booking report from his arrest in Cody, Park County, Wyoming, on August 27, 2019.

8. On September 23, 2019, your Affiant obtained an Order of Protection from the Circuit Court of the Fifth Judicial District, County of Big Horn, State of Wyoming, against Guadalupe Hernandez Jr., in effect from December 17, 2018 to December 17, 2021.

9. On October 8, 2019, your Affiant determined the FNH USA, Model FNX-45 Tactical, .45 ACP caliber pistol, serial number FX3U064918, was manufactured by FNH USA in South Carolina.

END OF SWORN STATEMENT

PENALTY SUMMARY

DEFENDANT NAME: **GUADALUPE HERNANDEZ JR.**

DATE: October 21, 2019

INTERPRETER NEEDED: No

VICTIM(S): No

OFFENSE/PENALTIES: **18 U.S.C. §§ 922(g)(1) and 924(a)(2)**
(Felon in Possession of a Firearm)

0-10 Years Imprisonment
Up To \$250,000 Fine
3 Years Supervised Release
\$100 Special Assessment

AGENT: Jay Johnson, ATF

AUSA: Jonathan C. Coppom, Assistant United States Attorney

ESTIMATED TIME OF TRIAL: 1 to 5 days

WILL THE GOVERNMENT SEEK DETENTION IN THIS CASE: Yes

ARE THERE DETAINERS FROM OTHER JURISDICTIONS: No